

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JOSEPH R. BYRUM

Appeal No. 2004-1773  
Application No. 09/421,106

REQUEST FOR SUSPENSION OF APPEAL

MAILED

SEP 15 2004

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES


Before HARKCOM, Acting Chief Administrative Patent Judge.

The Board is in receipt of appellant's request to suspend the appeal in this case pending the decision in In re Fisher, (Application No. 09/619,643, BPAI Appeal No. 2002-2046), pending before the Court of Appeals for the Federal Circuit. In considering the matter, it appears that a decision in the Fisher case will aid in the resolution of the issues pending in this appeal. Accordingly, the request is granted to the extent that the Board will postpone consideration of the appeal in this case pending a decision in In re Fisher. See, MPEP § 1213, at 1200-31 (8<sup>th</sup> ed., August 2001).

So ordered.



Gary V. Harkcom  
Acting Chief Administrative Patent Judge



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